

AO 91 (Rev. 11/11) Criminal Complaint

Approved SJW 12/13/2024

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America)

v.)

Windell Antonio Franklin)

Case No. M-24- 910 -SM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 18, 2024 in the county of Oklahoma in theWestern District of Oklahoma, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, David Moore, ATF, which is incorporated and made a part hereof by reference.

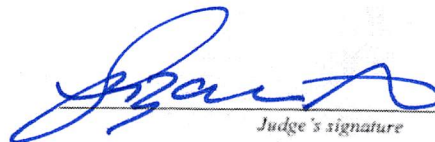
☒ Continued on the attached sheet.

Complainant's signature

David Moore, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: DEC. 16, 2024

Judge's signature

City and state: Oklahoma City, Oklahoma

SUZANNE MITCHELL, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

**AFFIDAVIT OF PROBABLE CAUSE
IN SUPPORT OF ARREST WARRANT**

I, David Moore, having been duly sworn, depose and state as follows:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a division of the United States Department of Justice, having been so employed since March 2022. Prior to my employment with the ATF, I was a State Police Officer for the Oklahoma Department of Corrections for approximately 11 years. I am a graduate of the Department of Homeland Security's Criminal Investigator Training program as well as the ATF Special Agent Basic Training Program. As a Special Agent with ATF, I am vested with the authority to investigate violations of federal laws including Title 18 of the United States Code.

2. I have been assigned to the ATF Oklahoma City Field Office since March 2022. I am familiar with the information contained in this Affidavit through personal investigation and/or information received from other law enforcement officers, mentioned herein, who have participated in and/or have contributed documentary reports of their investigative efforts in this matter. This Affidavit contains information necessary to support the Complaint and is not intended to include every fact or matter observed or known by me or other law enforcement involved in this matter.

3. This Affidavit is presented for the limited purpose of seeking a federal

complaint and arrest warrant for **Windell Antonio FRANKLIN (FRANKLIN)**, a male with the date of birth xx/xx/1979. This complaint and arrest warrant are sought based on probable cause to believe **FRANKLIN** violated Title 18, United States Code, Section 922(g)(1).

FACTS SUPPORTING PROBABLE CAUSE

4. Based on an investigation conducted by ATF Special Agent David Moore, **FRANKLIN** was confirmed to be a convicted felon in Oklahoma County District Court cases CF-2008-4296, possession of controlled dangerous substance (marijuana); CF-2008-2162, three counts of possession of cocaine with intent to distribute from three separate dates; CF-2007-5382, possession of controlled dangerous substance (cocaine); CF-2005-2214, possession of cocaine with intent to distribute, possession of controlled dangerous substance (methamphetamine), possession of marijuana with intent to distribute, and possession of proceeds derived from a violation of the uniform controlled dangerous drugs act; CF-2000-1339, possession of cocaine with intent to distribute; CF-1998-2560, possession of a controlled dangerous substance (cocaine); CF-1997-3960, unlawful possession of a firearm.

5. On September 18, 2024, EPD Officer D. Seales conducted a traffic stop on a single occupant vehicle, driven by **FRANKLIN**, near 2501 South Broadway, Edmond, Oklahoma. Prior to initiating the traffic stop, Seales obtained information that the owner of the vehicle, **FRANKLIN**, who also appeared to be the driver, did not have a valid license to drive nor was insurance showing active for the vehicle.


6. While speaking with **FRANKLIN** during the stop, Seales observed a purple medical marijuana container in plain view. **FRANKLIN** indicated he possessed an Oklahoma Medical Marijuana Authority (OMMA) card but did not have it in his possession at the time of the stop. **FRANKLIN** was subsequently detained and escorted to a patrol car.

7. EPD Sergeant Albright arrived at the location and assisted Seales with a probable cause search of **FRANKLIN**'s vehicle. During a search of the vehicle officers located approximately 26.24 grams of THC wax which later field tested positive for the presence of THC in the passenger compartment and one Glock, model 17 Gen 5, 9x19mm caliber pistol, S/N: BNVN232 with a 50 round drum magazine that was loaded with approximately 33 9mm rounds in a bag in the trunk of the vehicle. The same firearm located by officers later tested as a machine gun during review of the firearm by the Oklahoma State Bureau of Investigations.

8. After being read his Miranda rights, **FRANKLIN** reported he was prohibited from possessing firearms and indicated he obtained the firearm from juveniles acting strange near Northeast 23rd Street and Coltrane. **FRANKLIN** reported placing the firearm in the trunk of his vehicle and forgot about it.

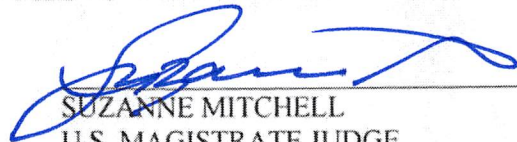
9. ATF SA Brian Anderson, a Firearms Interstate Nexus Examiner, reviewed the firearm found in **FRANKLIN**'s possession. He opined, based upon his training, experience, and examination of the firearm markings that the firearm was not manufactured in Oklahoma and therefore crossed state lines to reach the state of Oklahoma, thereby affecting interstate commerce.

10. Based upon the aforementioned facts and circumstances, I believe probable cause exists that on or about September 18, 2024, within the Western District of Oklahoma, **Windell Antonio FRANKLIN**, a convicted felon, did knowingly possess a firearm in violation of 18 U.S.C. § 922(g)(1).



DAVID MOORE.
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn and subscribed before me this 16th day of December, 2024.



SUZANNE MITCHELL
U.S. MAGISTRATE JUDGE